

# Order

Michigan Supreme Court  
Lansing, Michigan

October 9, 2006

Clifford W. Taylor,  
Chief Justice

132217  
& (13)  
(14)  
(15)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

GRAND TRUNK WESTERN  
RAILROAD INCORPORATED,  
Plaintiff-Appellant,

v

SC: 132217  
COA: 273411

37<sup>TH</sup> CIRCUIT COURT JUDGE,  
Defendant-Appellee.

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On order of the Court, the motions for immediate consideration, to waive the filing of the transcript, and for stay of trial court proceedings in *Kemperman v Canadian National RR* (Docket No. 04-4370-NO) and *O'Connell v Canadian National RR* (Docket No. 04-4372-NO) are GRANTED. The application for leave to appeal the October 4, 2006 order of the Court of Appeals remains pending.

WEAVER, J., dissents and states as follows:

I would deny the stay and deny the application for leave to appeal because I see no reason to delay proceedings in this matter, depriving the parties prompt adjudication and unnecessarily wasting justice system time and resources by delaying and having to reschedule the trials.

CAVANAGH and KELLY, JJ., join the statement of WEAVER, J.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 9, 2006

*Corbin R. Davis*

Clerk